

**CITY OF ROCKLIN
MINUTES OF THE PLANNING COMMISSION MEETING**

**June 2, 2009
Rocklin Council Chambers
Rocklin Administration Building
3970 Rocklin Road
(www.rocklin.ca.us)**

- 1. Meeting Called to Order at 6:30 p.m.**
- 2. Pledge of Allegiance was lead by Commissioner Coleman**
- 3. Roll Call**

Commissioner Shirhall, Chairman
Commissioner Sully, Vice Chairman
Commissioner Coleman
Commissioner McKenzie
Commissioner Menth

Others Present:

Sherri Abbas, Development & Building Services Manager
Russell Hildebrand, City Attorney
Bret Finning, Associate Planner
Larry Wing, City Engineer
David Mohlenbrok, Senior Planner
Candace Johnson, Planning Commission Secretary

About 10 others

- 4. Minutes** – The minutes of May 19, 2009 were approved as submitted.
- 5. Correspondence** - None
- 6. Citizens Addressing the Commission on Non Agenda Items** - None

Scheduled Items:

- 7. AMERICA'S TIRE COMPANY
DESIGN REVIEW, DR-2008-14
CONDITIONAL USE PERMIT, U-2008-09
AMERICA'S TIRE COMPANY**

This application is a request for approval of a design review and conditional use permit entitlements to allow the construction and operation of a tire store (a light automotive service use) in the Crossroads at Stanford Ranch Shopping Center.

The subject property is generally located at the southwesterly corner of the intersection of Plaza Drive and Stanford Ranch Road. APN# 017-400-009 & 017-400-010 (portion).



The property is zoned Planned Development Commercial (PD-C). The General Plan designation is Retail Commercial (RC).

A preliminary review of this project pursuant to the California Environmental Quality Act (CEQA) Section 15332 In-Fill Development Projects has tentatively identified a Categorical Exemption as the appropriate level of environmental review for this project.

The applicant is America's Tire Company. The property owner is Metropolitan Partners, LLC.

Bret Finning presented the staff report.

The Commission had questions for staff regarding the following:

1. Noise level issues.
2. Potential projects on Parcel 1.
3. Definition of "light auto repair".
4. Offsite improvement requirements.
5. Enforcement for activities taking place outside work bays.
6. Whether there was any discussion to locate the business at Pacific and Sunset.
7. Jiffy Lube project.
8. Definition of "upscale" shopping center.
9. Convertibility of building to another use.

Applicant's representative, Mark Pearlberger, addressed the Commission. Mr. Pearlberger gave a PowerPoint presentation.

The Commission had questions for the Applicant's representative regarding the following:

1. Whether work is performed with the work bays open.

The hearing was opened to the public for their comments.

Barbara McPherson, Roseville, CA, expressed concerns with noise and signage. She asked for information regarding the work hours and wanted to know if the signage facing the residents would be illuminated.

The hearing was closed to public comment.

Commissioner Shirhall: "Bret if you could address, and Mr. Pearlberger may need to do so, hours of operation, signage, are we going to have a timer on that sign on the street side so it shuts down? Sherri maybe you could comment on this, I remember at one time we were talking to the tenants to see if they could put the signs on the back of the building on timers and it might be nice to get Mrs. McPherson an answer on that."

Bret Finning: "To answer the questions that you asked me, at this time there are no proposed restrictions on the hours of operations although certainly you have the ability to include that in the use permit conditions of approval should you think it advisable. I'm not familiar, off hand, with the hours of operation that America's Tire normally uses, I'm sure that Mr. Pearlberger can address that. As far as signage goes, we did include a condition to restrict signage on the rear of the building facing toward the Rocklin Ridge Townhome project, although in the long run a future development in the center would block that vista, in the short run we wanted to make sure that that was not a problem. Staff did not believe that in this instance this development would have an impact on the residents in Roseville where Mrs. McPherson lives, due to the distance, it is approximately 200 feet from the front of the building to the sound wall on the far side of Stanford Ranch Road that abuts their development, and then there is a

significant 20 to 30 foot grade separation to the nearest house. That subdivision is set well below the road. The reason the Plaza Shopping Center first phase had such an intense impact on their development is that it is on the same side of the street at a higher elevation than the homes so it overlooked all of the first row of homes and they looked directly up at it. That was something that was not addressed at the time the project was approved and I know that staff worked extensively with those homeowners and the tenants in the first few buildings to resolve the signage issues. Sherri may want to add to that, but I have not heard of any recent complaints or problems so I was under the impression that it had been resolved."

Sherri Abbas: "I don't really have a lot more to add to what Bret has already said except that we don't have a condition on those tenants nor on the original developer saying that they couldn't have signage on the back so everything that we were doing was in the vein of voluntary compliance. I know that we had some tenants who were more willing to comply than others but like Bret, I am not aware of any complaints, we have not had any complaints since we were originally dealing with the problem so I am not aware of us doing anything more that what has been done."

Commissioner Shirhall: "Thank you. I don't normally get off track but I wanted to get you some answers and I know the landscaping has grown and I know that has had a huge effect too. Mark, what are the standard hours of operation for America's Tire?"

Mr. Pearlberger: "America's Tire current standard hours of operation are 8:00 a.m. – 6:00 p.m. Monday through Friday and 8:00 a.m. – 5:00 p.m. on Saturdays. I think generally we have no problem with some limitation on hours of operation, I think we'd prefer to see 7:00 a.m. – 8:00 p.m. six days per week so that there is some flexibility if you choose to go that direction in terms of our hours, but that still limits any impact."

Mr. Pearlberger asks that a slide from the presentation that he gave depicting the site plan be displayed for the Planning Commission. "This is the shopping center site and our one acre parcel is a portion of this, we did borrow a portion of this from a marketing brochure so it is not precise, but I thought it might be helpful to show where the nearest residential is in various directions and what is between us."

Commissioner Sully: "What is the distance from the closest residence to the site?"

Mr. Pearlberger: "As I understand it the closest residence is 250 to 300 feet, is that correct Bret?"

Commissioner Shirhall: "The staff report notes 200 feet."

Commissioner Sully: "At the other sites that you had mentioned, North Sunrise in Roseville and some of those other sites, what is the closest residence to those sites?"

Mr. Pearlberger: "I don't know."

Commissioner Sully: "I'm thinking at North Sunrise there is really no residential around that and on Greenback there isn't really a lot of residential there."

Mr. Pearlberger: "I'm really not sure, I would also relate in the context of this issue, certainly as it relates to noise, it's important to know which way the bays face versus where the residences are because of how the noise travels. This building was sited to address both the visual and the noise issues in the best fashion possible."

Commissioner Shirhall: "Commissioner Coleman, any questions?"

Commissioner Coleman: "A question regarding the signs and timers on the signs, are they planned?"

Mr. Pearlberger: "We haven't thought about that, again I don't think we would have any objection or problem complying with a condition dealing with timers on signs. We want to be a good neighbor to the people around us."

Commission Deliberation/Discussion:

Commissioner Menth: "First I want to declare that we tried to have ex parte communication, my compliments Mark, you kept on it but we just didn't meet, my apologies. First and foremost, I'm troubled with a tire shop in this location. While it may meet the General Plan, we also have design guidelines talking about creating a sense of space and place, designs that create and soften the hardscape that we are presented with on a regular basis living in suburbia, and finally the design guidelines talk about poor designs last forever, and in this case I'm not necessarily focused on the design but rather the placement of this particular business. I think that if this were not on the street side, the curbside, but set back within the project, I would be much more inclined to support it. It's very similar for my support ultimately for the Jiffy Lube and the Smog 'N Go because they are indeed set back, they are screened, their bay doors are practically invisible to the travelling public. While I appreciate the efforts involved in the placement of the building I do think that it's an improper location for a good business. While it is not our position to dictate where businesses should go in the City, if as a Planning Commission we are presented with projects, and part of the representation of those projects that this is a cohesive design for automotive, and focus on representations from applicants and staff that we'd like to keep automotive uses focused in a certain area, and we approved a series of seven buildings at the corner of Pacific and Sunset, to ultimately find out that they have one former tenant and are primarily unoccupied, then I think that we would be remiss as a Planning Commission to approve a subsequent automotive facility with standing facilities in town. Quite frankly, because this is a Conditional Use Permit, that in and of itself speaks of caution, and I think that as a Commission we need to exercise caution when it comes to placing this business in this location. Again, I'm not averse to a tire facility in the shopping center and one with a design such as the one you presented this evening, but suffice to say that in the main, it's in the wrong place. I think a different placement in the development would address my concerns and probably would be substantially better for the community. At this time, I'd have to oppose the project."

Commissioner McKenzie: "I actually was able to meet with the applicants; I had some fairly significant concerns going in relative to the location of the use. Principally with the church and the associated school being directly adjacent to the back end of this building, not having seen the orientation before I met with the applicants, I had some concerns there. Also, with the residences, but given the grade differential there it was less of a concern. From my perspective, given the design elements of this facility, the attention that they have paid to the detail and the design, the building itself is consistent with the Stanford Ranch General Development Plan. The design elements are fine, what we get down to here is a use issue. Would I prefer to see a different use on this site? I would, but given the market realities, the fact that the site has been available for quite some time and there is nothing there, not to say that we have to have something there, but a use there of this type with the architecture of the building and the controls that have been placed on it, from my perspective are fine. If we add a condition to it to limit the hours of operation I'd be even more comfortable. The signage at night could be something less attractive that I would not want to see, and so providing maybe the sign timer on the same hours of operation from my perspective would definitely help reduce any impact that the signage might have to anyone passing by it for the most part. They have been very mindful of the school to the west and I think they are flexible in terms of how they operate this to minimize the impacts that it might have. The landscaping, from my perspective, the plant palette is fine it is definitely fitting for the area so I will be interested in seeing where this one goes."

Commissioner Coleman: "When I first found out that it was going to be a tire store, I too thought, 'well it's probably not the right location'. I had two other locations in mind, one being Pacific St. and one being the area up there where we have tried to have the campers and everything else. They seemed more suitable, so I was inclined to say, 'wrong location'. The more I get into the project, and the presentation slide that changed my position happened to be the Google slide. When you look at it from a business perspective, we're losing business, we lose business constantly to Roseville and here we have an opportunity to change that and move a business where there is a lot of opportunity rather than being in direct competition with the other tire stores that we already have on Pacific and in the other locations so I thought that was a great slide. When I look at it in the context of being in a

shopping center, I say what typically happens in a tire store that may not happen here? Typically you go to a tire store to buy tires and the hour or hour and half that you are there, there is nothing to do. There is no place to shop, no place to eat, there is no place to even walk at some of these places. Here we have a shopping center, so there could be a place to eat or shop; that was certainly a positive, so it can draw people to a shopping center that have nothing else to do. The design is a good design; I think the architecture goes far beyond what I expected to see in a tire store. The hours of operation, I am in agreement with the proposed hours of operation. The signage, I would also like to have the timer on the sign, and I would go so far as to say have the timer go off an hour after close to give people who are picking up their cars late an opportunity to find the business. I think it is consistent, I had some real doubts to begin with but at this time I would support the project."

Commissioner Sully: "I have mixed feelings on this one. I too agree with Commissioner Menth and the other Commissioners and feel that this location is probably not the best location of where to put this. I think the architecture is great, I don't have any issues with that at all; I think that it fits and is very compatible with the shopping center and the surrounding area. I think the main issue that I have is probably the noise. It was mentioned before that the bays are open and there is noise coming out. We will probably have a pretty hard time finding a use to go on Parcel 1 with all of the pneumatic tools being operated all day, which is part of the issue that we had with the Jiffy Lube and their use of pneumatic tools was not nearly to the scale of this operation. My other concern with this location is that this is across the street from some residents and the reason I asked how close they are to residents in their other locations is because when I looked at all of their other locations I can't visualize any residential areas near any of those. I did not have an issue with the hours of operation and as I said I had no problem with the architecture. The comment that this could be turned into something else, I find that pretty hard to believe, I think that this would probably stay as an automotive use of some kind. I agree with Commissioner Menth that we have a great location on Sunset and Pacific that is a very good looking project that we don't have anything in and that is an area that we as a City were trying to gear for this type of use. I have mixed feelings about it, it does meet the General Plan and zoning, but I am really torn as to the location due to the residents, the noise, and the possibility of a project going in on the parcel next to it, so for those reasons I have a hard time supporting the project."

Commissioner Shirhall: "When a Use Permit is required it gives the Commission, I think, greater latitude, and it requires additional review and discretion. I applaud the Commission for working through that type of scenario. I agree that the slide shown regarding where tire stores are located is very relevant. There are other areas in town where tires stores can go, I'm not sure that this is the right one. Generally I find that the automotive service use is not very compatible or favorable with neighborhood commercial centers. I think we try to find, as the General Plan strives to do, zones if you will, out on Lonetree where we have more light industrial uses, certainly the Pacific corridor, certainly the Granite Drive area, and I think it's important that we follow the original intention of the General Plan where that is stated. So then I start thinking they make a good point, a tire store would probably thrive in this area, I understand why they want to put the tire store there, so I think to myself, 'is the design adequate to mitigate the effects, the impacts, the noise that are associated with a tire store, and could that tire store, if the design was right, operate to where it wouldn't be a problem and where it would be a better fit and the component in place would be right?' So that being said, I have a lot of design problems with this building. I think that while the intention to tie in with the existing center is there, I would note that the Umpqua building, if you look at the renderings up there, they have stone veneer that covers the pilasters on three of the four sides all the way up the building. The America's Tire Store, which fronts the street, like Umpqua, really only has stone veneer on one center section. So again, if you were to look at those small renderings of the Umpqua Bank you would find that they've done a lot more detail work on that. The green canopies, they're short, they're small, they don't fit, the scale is wrong. I think as a mitigation what the applicant should be doing is trying to minimize the monotonous look of three large garage bays and in effect what they have done with this large architectural feature in the middle of the garage bays is that they are drawing your eye to the garage bay, so I think that this feature should be on the end. I think that should be different, I think that the garages should maybe be set into the building more with more of that shed roof coming out over the top to kind of obscure them. I think the building could have been laid out in an 'L' shape so that the retail part of the store basically shielded the street somewhat from the view. I disagree with Mr. Pearlberger that you won't be able to see into these bays or that it's minimized, I believe that his words were

'as limited a view as possible', I don't necessarily agree with that statement. I find that the garbage area is inadequate. I went over to the Roseville location and it is not just tires and air, they sell a lot of wheels and those wheels come individually boxed and there was a huge pile of discarded cardboard behind a broken gate, so I find the garbage area to be insufficient. The immediate view as you come up Stanford Ranch Road that corner shot he showed there is a large utility box on that one section that is going to be highly visible as you ingress into the City. That would need to be changed. I brought up the point of the hedge along the back of the building specifically because there is a gas line there, so they can't plant trees in that ten foot easement where the gas line is, so they've got a hedge there but I think there is more opportunity for, instead of hoping a vine will grow on a trellis on the side of a building, rather you could put some trees on the side of the building; cypress that would grow tall and skinny. That being said, I think there is a lot of opportunity to make this building work and we are not there yet. I cannot be comfortable approving a use if the design is inadequate, and for me it still is inadequate. What would make it better is, quite honestly the scenario like across the street. I thought the applicant would make a greater argument about compatibility because those two uses are across the street and it would be a good argument but those two buildings are so hidden from the street you just can't see them, you would never know they were garage bays. You've got to remember that those are two bays at the Smog 'N Go, we're talking about three double wides, and often what you end up with at tire stores, and I went over to the America's Tire over in Roseville, and I looked at massive stacks of tires that had been just been delivered and that will be the view that we have as you leave the City of Rocklin. That being said, I cannot support the project because of the design deficits, in my opinion, and then lastly, noise. The staff report on page four states that '200 feet from residential should be enough', key word 'should', 'be enough that there are no significant impacts'. This type of a use historically is known to be a noisy type of use. We condition Jiffy Lube that they can't use pneumatic tools, this use is going to utilize a lot of pneumatic tools, and that is the reality of this use. That being said I think that the report is insufficient in that there is no noise analysis and with residents 200 feet away I believe that that needs to be included. I'd like to see fact rather than conjecture where that is concerned. At this time I can't support the project and I'd like to make it clear to the applicant that I'm not simply stating that I could never support the project, I just think that many more things can be done to this building to mitigate concerns that have been brought forward by the Commission. I would like to invite Mr. Pearlberger back to the podium. It seems as though the consensus, Mark, is three to two for denial of this project, my question to you is do you want to take the commentary that you have received tonight and work with it or do you prefer a denial?"

Mr. Pearlberger: "I'd like a five minute recess."

A recess was taken at 7:29 p.m.

The meeting reconvened at 7:32 p.m.

Mr. Pearlberger: "Thank you for your consideration and time and thoughtful comments. We will accept whatever decision that the Planning Commission has this evening."

Commissioner Shirhall: "I have one other comment I'd like to add to the record as far as the long list of design aspects that I think the building is lacking, as they are laid out for the Council in their review of our commentary. At tire stores, generally when the weather is nice, people sit outside and there was no design or inclusion of an outdoor seating area with this facility and I would like to add that to my comments. If there is no other comment from the Planning Commission I would seek a motion of denial."

On a motion by Commissioner Menth and seconded by Commissioner Sully, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN APPROVING A NOTICE OF EXEMPTION (America's Tire /DR-2008-14, U-2008-09) was **denied** by the following vote:

Roll Call Vote:

AYES: Commissioner Menth, Sully and Shirhall
NOES: Commissioner Coleman and McKenzie
ABSENT: None
ABSTAIN: None

Motion carried: 3/2

On a motion by Commissioner Menth and seconded by Commissioner Sully, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN APPROVING A USE PERMIT (America's Tire / U-2008-09) was **denied** by the following vote :

Roll Call Vote:

AYES: Commissioner Menth, Sully and Shirhall
NOES: Commissioner Coleman and McKenzie
ABSENT: None
ABSTAIN: None

Motion carried: 3/2

On a motion by Commissioner Menth and seconded by Commissioner Sully, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN APPROVING A DESIGN REVIEW (America's Tire /DR-2008-14) was **denied** by the following vote :

Roll Call Vote:

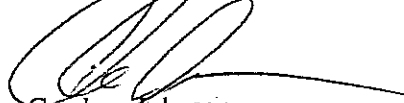
AYES: Commissioner Menth, Sully and Shirhall
NOES: Commissioner Coleman and McKenzie
ABSENT: None
ABSTAIN: None

Motion carried: 3/2

8. Reports and Discussion Items from Planning Commissioners
9. Reports from City Staff
10. Adjournment

There being no further business brought before the Commission, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,



Candace Johnson
Planning Commission Secretary